

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROBBIE HOLMES and U.S. POSTAL SERVICE,
GRAND CENTRAL STATION, New York, NY

*Docket No. 99-1810; Submitted on the Record;
Issued September 8, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that his varicose veins were causally related to factors of his employment.

On July 21, 1998 appellant, then a 44-year-old letter carrier, filed a claim for varicose veins. He stated that his physician related his conditions to prolonged standing in his job. In an April 13, 1999 decision, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that he had not established that an occupational injury resulted from his employment.

The Board finds that appellant has not met his burden of proof in establishing that his varicose veins were causally related to his employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed;¹ (2) a factual statement identifying the employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition;² and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.³ The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a

¹ See *Ronald K. White*, 37 ECAB 176, 178 (1985).

² See *Walter D. Morehead*, 31 ECAB 188, 194 (1979).

³ See generally *Lloyd C. Wiggs*, 32 ECAB 1023, 1029 (1981).

physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁴ must be one of reasonable medical certainty,⁵ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁶

In a July 14, 1998 office note, Dr. Sheila Rabinowitch, an internist, stated that appellant was seen on August 21 and November 19, 1997 for varicose veins and was referred for surgery. Appellant submitted other medical notes indicating that he was being treated for varicose veins. However, none of these notes specifically related appellant's varicose veins to his employment nor do they explain how the factors of appellant's employment would cause varicose veins. Appellant, therefore, has not submitted sufficient probative medical evidence to establish that his varicose veins were causally related to his employment. As a result, he has not met his burden of proof.

The decision of the Office of Workers' Compensation Programs, dated April 13, 1999, is hereby affirmed.

Dated, Washington, D.C.
September 8, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ *See William E. Enright*, 31 ECAB 426, 430 (1980).